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LETTER DATED 8 AUGUST 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with instructions I have received, I would request you to circulate, as a document of the Security Council, an appeal of Human Rights Watch/Helsinki to the leadership of the Republic of Armenia calling upon it to end the war against the Azerbaijani Republic (see annex).

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

Annex

Appeal dated 6 August 1994 from Human Rights Watch/Helsinki to the leadership of the Republic of Armenia

Human Rights Watch/Helsinki, a division of Human Rights Watch the largest human rights organization in the United States of America, welcomes your forthcoming visit to the United States. We are impressed with the democratic progress your country has made despite the devastation of the 1988 earthquake, economic chaos and the blockade. We are deeply concerned, however, by Armenia's unacknowledged military participation in the war in Nagorny Karabakh, in which both ethnic Armenian and Azerbaijani forces regularly commit gross human rights violations. The participation of outside forces in the conflict, whether Russian mercenaries, Afghan mujahidin or Republic of Armenia military personnel, only serves to broaden the conflict and increase suffering.

The Armenian Government officially denies any military involvement in the Nagorny Karabakh conflict, although you stated in London in February 1994 that the Republic of Armenia would intervene militarily should Karabakh Armenians face "genocide" or "forced migration".

In an April 1994 interview with Human Rights Watch/Helsinki, General Andreyasyan, former Chief of the General Staff of the Republic of Armenia, denied that any forces under his command were involved in the conflict. He added that soldiers in active service were not allowed to volunteer.

Yet a month long fact-finding visit to Armenia, Azerbaijan and the breakaway "Republic of Nagorny Karabakh" found that troops under the control of the Armenian Government were involved in combat operations. Our findings indicate that military forces, not volunteers, from the Republic of Armenia played a noticeable role in fighting in Nagorny Karabakh during Azerbaijan's December 1993 offensive and during an Armenian offensive in April and May 1994. These units often occupy quiet sections of the front or guard communications lines and supply dumps, freeing up more experienced troops for offensive operations. There have also been reports of Armenian military involvement before December 1993, especially during the March/April 1993 offensive against Kelbajar province, Azerbaijan.

In April 1994, just before the start of an Armenian offensive against Terter, Azerbaijan, Human Rights Watch/Helsinki spoke with soldiers travelling on buses into Nagorny Karabakh from Armenia. On a single day, Sunday, 17 April 1994, Human Rights Watch/Helsinki counted five "Ikarus" buses full of soldiers entering Nagorny Karabakh. Three were on the Lachin-Stepanakert road, one was stopped in the Azerbaijani town of Lachin and one was broken down with a flat tire just outside of the Armenian border town of Goris. We spoke with several soldiers from the bus in Goris. All were armed with new AK-47 assault rifles. Some said they were draftees. Their officer at first denied they were headed to Karabakh, then admitted it, arguing that "Karabakh is Armenian land and has to be defended". The day before, four such buses pulled into Stepanakert, the capital of Nagorny Karabakh. Other Western journalists leaving Karabakh later in the week reported seeing eight buses full of soldiers entering

Karabakh from Armenia. The soldiers stated they were draftees. In April 1994, Washington Post correspondent Steve Levine reported interviewing outside Erevan soldiers from a convoy of five buses. They stated that they were headed towards the front near Goradiz, Azerbaijan.

Human Rights Watch/Helsinki spent two days this April walking around Armenia's capital, Erevan, talking with soldiers at random. Some we met were truly volunteers, "fedayeen" who had been fighting for four or five years. Others were soldiers from the army of Nagorny Karabakh on leave in Armenia; they showed us "Nagorny Karabakh Republic voennyi bileti", military identity cards from the Nagorny Karabakh Republic army. But a substantial minority, maybe 30 per cent of the individuals with whom we spoke, were draftees in the Army of the Republic of Armenia who had either fought in Karabakh, had orders for Karabakh, or had "volunteered" for service there; their officer had assembled the troops, explained that the motherland was in danger and asked for volunteers. This can hardly be considered "volunteering", especially among young draft age men.

One soldier with whom we spoke was a 37-year-old unemployed driver who had been caught in draft round-ups that struck Armenia in March and April 1994. On 27 March 1994, Governmental Decree #129 was passed instituting three-month refresher training for men up to the age of 45. He reported that he would shortly undergo military training, and then would be sent to Karabakh. Another draftee said that he had been sent to the Lachin area of Azerbaijan in April 1993 and to the Omar pass region of Kelbajar province during operations to recapture it in January-February 1994. He had been wounded in fighting there and was recuperating in Erevan. One soldier reported that he was on active duty in the Armenian army, but had volunteered to fight in Karabakh. He stated that half his unit (around 600 men) were stationed in Kelbajar province.

We also spoke with Armenian prisoners of war in an Azerbaijani military prison near Gobustan, Azerbaijan. We conducted these interviews privately, without interference from Azerbaijani officials. Information gathered there also points towards the military involvement of your Government.

On 22 January 1994, Azerbaijani units captured near the village of Chaply in Kelbajar province, Azerbaijan, several soldiers from both the Army of the Republic of Armenia and the Russian army based in Armenia. According to four of the soldiers with whom Human Rights Watch/Helsinki spoke, two from the Armenian army and two of Armenian descent from the 127th Russian Division based at Gyumri, Armenia, they were transporting a company of Armenian army soldiers to the front near Kelbajar when they were captured. The men were in a convoy of one "Kamaz 4310" and five "Ural 4320" heavy trucks, and were attacked and captured after depositing the soldiers near the village of Chaply. The trucks came from the 127th Division of the Russian army, based at Gyumri. All the men stated that initially they were told they would have to transport refugees from the Armenian border town of Vardenis, but when they arrived in the city they were told to proceed to an area outside of town where they picked up a company of Armenian army soldiers armed with assault rifles, light machine-guns and rocket propelled grenades. These soldiers were allegedly from the 555th Independent Motor Rifle Regiment of the Army of the Republic of Armenia (Unit #59016).

Other soldiers at Gobustan prison with whom Human Rights Watch/Helsinki spoke were also from units of the Armenian army and not volunteers. One soldier stated that he was captured near the village of Khanlyk, Qubatli province of Azerbaijan, on 19 September 1993, while driving a load of telephone communication cable to Armenian forces. He reported that he had been drafted in early 1993 and served in the Independent Communication Unit 32-277 ("Otdel'nyi Chast' Svyazei") of the Armenian army based at Goris and commanded by Lieutenant Colonel Asadarian. Another soldier was captured at the height of the Azerbaijani offensive on 6 January 1994, near the village of (Asagi) Abdurahmanli, Fizuli province, Azerbaijan. He told us that he was drafted on 20 December 1992 and served in military unit 60-369 in Goris under Colonel Grigorian. He reported that in January 1994 Colonel Grigorian ordered his platoon to board trucks for Fizuli province, Azerbaijan. Another soldier told Human Rights Watch/Helsinki that he had just finished serving a sentence for petty thievery when he was drafted shortly after his release in June 1993 because of an altercation with police. He said he was inducted at the military commissariat in the Armenian city of Echmiadzin. He stated that in August 1993 he was sent to Hadrut, Nagorny Karabakh, with several soldiers from his unit, part of the 83 Brigade, Army of Armenia, based in Echmiadzin. In Hadrut, he claimed he mostly guarded military vehicles and storehouses. He was captured at the end of August 1993 in an ambush near Fizuli, where he had gone with a detail to retrieve grain.

The saddest testament to Armenian Government involvement in the conflict is Yeriblur Military Cemetery in Armenia's capital, Erevan. The cemetery serves as the main military cemetery for Erevan, though dead from Karabakh are buried throughout Armenia. It has an official military honour guard, and Human Rights Watch/Helsinki viewed videotape shot by a Western journalist that showed an Armenian military unit burying one of their comrades with full military honours. The commander of the unit, however, claimed the men were volunteers. When we visited the cemetery in early April 1994, we were told that roughly 420 individuals were buried there. From our rough estimation, approximately 25 to 30 per cent had been buried in 1994, and a majority of these were of draft age (birthdates from 1973 to 1975). A second visit to Yeriblur 10 days later revealed about 30 new graves. By coincidence, our taxi driver told us that his relative, Robert Gevorkian, a colonel in a Ministry of Internal Affairs unit stationed within sight of the cemetery near the airport, was buried there. He showed us the grave. Our driver stated that Colonel Gevorkian regularly went to fight in Karabakh with his unit. In April 1994, after a visit to Yeriblur, New York Times correspondent Raymond Bonner reported speaking with several families burying soldiers from the Armenian Ministry of the Interior who had died fighting in Karabakh.

We also remain deeply troubled by the unexplained deaths on 29 January 1994 of eight Azerbaijani prisoners of war held in an Armenian army military prison in Erevan. In spite of two Human Rights Watch/Helsinki letters of appeal to you, to the best of our knowledge no official investigation report has been issued.

The men were in the custody of the Armenian army when they died. Your Government first stated the men died during an escape attempt, then reported that the prisoners committed mass suicide after their attempt to flee was

foiled. In a 20 April 1994 discussion with Human Rights Watch/Helsinki, Vagarshak Vardanian, the Military Procurator of Armenia conducting the investigation, stated that the eight prisoners died within minutes after killing a guard and seizing his pistol and 16 rounds of ammunition. According to Mr. Vardanian, the prisoners decided to commit suicide after they realized their escape attempt was doomed. Mr. Vardanian stated the eight men all died from wounds received from one pistol.

Independent forensic information does not support Mr. Vardanian's account. Dr. Derrik Pounder of Scotland's University of Dundee Department of Forensic Medicine travelled to Azerbaijan and conducted an autopsy on the men killed after their bodies were returned to Azerbaijan. According to Dr. Pounder, the pattern of injuries of the six individuals who died of gunshot wounds to the head suggest mass execution. Dr. Pounder acknowledged that the possibility of a mass suicide cannot be absolutely excluded.

Human Rights Watch/Helsinki calls on your Government to cease sending Armenian government military forces to the war in Nagorny Karabakh. Such support merely widens the scope of the war, allowing the Karabakh Armenians to conduct offensive operations. We also repeat our call for an independent investigation into the deaths of eight Azerbaijani prisoners of war on 29 January 1994 and for the punishment of all guilty parties, should an investigation determine malfeasance.

(Signed) Jeri LABER
Executive Director